



every matter and thing contained in the Complaint unless expressly admitted herein, and asserts the following defenses:

**I. JURISDICTIONAL ALLEGATIONS**

1. Answering Paragraph 1 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant admits.

2. Answering Paragraph 2 of the Complaint, the allegations are legal conclusions to which no response is required. To the extent this paragraph contains factual allegations, Defendant does not challenge this Court has jurisdiction over the proceeding under 28 U.S.C. § 1334 but denies as characterized by Plaintiff.

3. Answering Paragraph 3 of the Complaint, Defendant admits.

4. Answering Paragraph 4 of the Complaint, the allegations are legal conclusions to which no response is required. To the extent this paragraph contains factual allegations, Defendant does not challenge this proceeding is core under 28 U.S.C. § 157 but denies as characterized by Plaintiff. Defendant consents to entry of a final order or judgment by this Court.

**II. PARTIES**

5. Answering Paragraph 5 of the Complaint, Defendant repeats and incorporates herein by reference all previous responses to the Complaint as if fully contained herein.

6. Answering Paragraph 6 of the Complaint, Defendant admits.

7. Answering Paragraph 7 of the Complaint, Defendant admits he is a resident of Franklin County, Ohio but denies the rest as characterized by Plaintiff.

8. Answering Paragraph 8 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

**III. GENERAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

9. Answering Paragraph 9 of the Complaint, Defendant repeats and incorporates herein by reference all previous responses to the Complaint as if fully contained herein.

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10. Answering Paragraph 10 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

11. Answering Paragraph 11 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

12. Answering Paragraph 12 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

13. Answering Paragraph 13 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

14. Answering Paragraph 14 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

15. Answering Paragraph 15 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

16. Answering Paragraph 16 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

17. Answering Paragraph 17 of the Complaint, Defendant admits he invested money in the Debtor but denies the rest as characterized by Plaintiff.

18. Answering Paragraph 18 of the Complaint, Defendant admits he received K-1's from the Debtor but denies the rest as characterized by Plaintiff.

19. Answering Paragraph 19 of the Complaint, Defendant denies as characterized by Plaintiff. Defendant has not received all K-1's from Debtor.

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- 1           20.     Answering Paragraph 20 of the Complaint, Defendant admits.
- 2           21.     Answering Paragraph 21 of the Complaint, Defendant admits.
- 3           22.     Answering Paragraph 22 of the Complaint, Defendant admits.
- 4           23.     Answering Paragraph 23 of the Complaint, Defendant admits.
- 5           24.     Answering Paragraph 24 of the Complaint, Defendant denies.
- 6           25.     Answering Paragraph 25 of the Complaint, Defendant admits.
- 7           26.     Answering Paragraph 26 of the Complaint, Defendant admits.
- 8           27.     Answering Paragraph 27 of the Complaint, Defendant denies.
- 9           28.     Answering Paragraph 28 of the Complaint, Defendant admits.
- 10          29.     Answering Paragraph 29 of the Complaint, Defendant admits.
- 11          30.     Answering Paragraph 30 of the Complaint, Defendant is without sufficient  
12 knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
13 denies the same.
- 14          31.     Answering Paragraph 31 of the Complaint, Defendant is without sufficient  
15 knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
16 denies the same.
- 17          32.     Answering Paragraph 32 of the Complaint, the allegation is a legal conclusion to  
18 which no response is required. To the extent this paragraph contains factual allegations, Defendant  
19 is without sufficient knowledge or information to form a belief as to the truth or falsity of the  
20 allegations and, therefore, denies the same.
- 21          33.     Answering Paragraph 33 of the Complaint, Defendant is without sufficient  
22 knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
23 denies the same.
- 24          34.     Answering Paragraph 34 of the Complaint, Defendant is without sufficient  
25 knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
26 denies the same.
- 27          ...
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1           35.     Answering Paragraph 35 of the Complaint, Defendant is without sufficient  
2 knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
3 denies the same.

4           36.     Answering Paragraph 36 of the Complaint, Defendant is without sufficient  
5 knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
6 denies the same.

7           37.     Answering Paragraph 37 of the Complaint, Defendant is without sufficient  
8 knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
9 denies the same.

10          38.     Answering Paragraph 38 of the Complaint, Defendant is without sufficient  
11 knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
12 denies the same.

13          39.     Answering Paragraph 39 of the Complaint, Defendant is without sufficient  
14 knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
15 denies the same.

16          40.     Answering Paragraph 40 of the Complaint, Defendant is without sufficient  
17 knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
18 denies the same.

19          41.     Answering Paragraph 41 of the Complaint, the allegation is a legal conclusion to  
20 which no response is required. To the extent this paragraph contains factual allegations, Defendant  
21 is without sufficient knowledge or information to form a belief as to the truth or falsity of the  
22 allegations and, therefore, denies the same.

23          42.     Answering Paragraph 42 of the Complaint, Defendant is without sufficient  
24 knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
25 denies the same.

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IV. **FIRST CLAIM FOR RELIEF**

**(Avoidance of Fraudulent Transfer Pursuant to 11 U.S.C. 544(b) and NRS Chapter 112.180(1)(a) Against Defendant)**

43. Answering Paragraph 43 of the Complaint, Defendant repeats and incorporates herein by reference all previous responses to the Complaint as if fully contained herein.

44. Answering Paragraph 44 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

45. Answering Paragraph 45 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

46. Answering Paragraph 46 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

47. Answering Paragraph 47 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

48. Answering Paragraph 48 of the Complaint, admits.

49. Answering Paragraph 49 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

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V. **SECOND CLAIM FOR RELIEF**

**(Avoidance of Fraudulent Transfer Pursuant to 11 U.S.C. 544(b) and NRS Chapter 112.180(1)(b) against Defendant)**

50. Answering Paragraph 50 of the Complaint, Defendant repeats and incorporates herein by reference all previous responses to the Complaint as if fully contained herein.

51. Answering Paragraph 51 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

52. Answering Paragraph 52 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

53. Answering Paragraph 53 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

54. Answering Paragraph 54 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

55. Answering Paragraph 55 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

56. Answering Paragraph 56 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

57. Answering Paragraph 57 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

58. Answering Paragraph 58 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

59. Answering Paragraph 59 of the Complaint, Defendant denies.

#### **VI. THIRD CLAIM FOR RELIEF**

##### **(Recovery of Fraudulent Transfer Pursuant to 11 U.S.C. § 550 Against Defendant)**

60. Answering Paragraph 60 of the Complaint, Defendant repeats and incorporates herein by reference all previous responses to the Complaint as if fully contained herein.

61. Answering Paragraph 61 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

62. Answering Paragraph 62 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

63. Answering Paragraph 63 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

64. Answering Paragraph 64 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

65. Answering Paragraph 65 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.



**VII. FOURTH CLAIM FOR RELIEF**

**(Declaratory Relief Pursuant to N.R.S. §§ 30.010-160 and N.R.S. § 86.343 Against Defendant)**

66. Answering Paragraph 66 of the Complaint, Defendant repeats and incorporates herein by reference all previous responses to the Complaint as if fully contained herein.

67. Answering Paragraph 67 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

68. Answering Paragraph 68 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

69. Answering Paragraph 69 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

70. Answering Paragraph 70 of the Complaint, the allegation is a legal conclusion to which no response is required. To the extent this paragraph contains factual allegations, Defendant denies.

71. Answering Paragraph 71 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

72. Answering Paragraph 72 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

73. Answering Paragraph 73 of the Complaint, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore, denies the same.

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1           74.     Answering Paragraph 74 of the Complaint, the allegation is a legal conclusion to  
2     which no response is required. To the extent this paragraph contains factual allegations, Defendant  
3     denies.

4           75.     Answering Paragraph 75 of the Complaint, Defendant is without sufficient  
5     knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
6     denies the same.

7           76.     Answering Paragraph 76 of the Complaint, Defendant is without sufficient  
8     knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
9     denies the same.

10          77.     Answering Paragraph 77 of the Complaint, Defendant is without sufficient  
11     knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
12     denies the same.

13          78.     Answering Paragraph 78 of the Complaint, Defendant is without sufficient  
14     knowledge or information to form a belief as to the truth or falsity of the allegations and, therefore,  
15     denies the same.

16                   **AFFIRMATIVE DEFENSES**

17                   FIRST AFFIRMATIVE DEFENSE

18           Plaintiff has failed to state a claim against answering Defendant upon which relief can be  
19     granted.

20                   SECOND AFFIRMATIVE DEFENSE

21           The damages allegedly suffered by Plaintiff, if any, were caused in whole or in part by the  
22     acts and omissions of third parties over whom Defendant has no control.

23                   THIRD AFFIRMATIVE DEFENSE

24           Plaintiff failed to join necessary and indispensable parties in whose absence complete  
25     relief cannot be afforded.

26                   FOURTH AFFIRMATIVE DEFENSE

27           Plaintiff's claims are barred by the doctrine of Estoppel.  
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FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of Laches.

SIXTH AFFIRMATIVE DEFENSE

Any damages suffered by Plaintiff were not the direct or proximate cause of Defendant's actions.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims, if valid, are offset by the claims which Defendant has against the Debtor.

EIGHTH AFFIRMATIVE DEFENSE

At all times relevant hereto, Defendant acted in a legally permissible manner.

NINTH AFFIRMATIVE DEFENSE

Plaintiff is not entitled to an award of attorney fees.

TENTH AFFIRMATIVE DEFENSE

No genuine judicial controversy exists as to the relative rights and obligations of the parties.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are excessive, overstated, and exaggerated.

TWELFTH AFFIRMATIVE DEFENSE

Defendant received any transfers for fair value and in good faith.

THIRTEENTH AFFIRMATIVE DEFENSE

Defendant was not a member of Debtor.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of Unclean Hands.

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**PRAYER FOR RELIEF**

Wherefore, Defendant prays,

1. That Plaintiff take nothing by way of her Complaint;
2. For reasonable attorney fees and costs of suit incurred;
3. For an award of other and further relief as the Court may deem proper.

DATED this 31st day of October 2023.

**HOLLEY DRIGGS**

/s/ R. McKay Holley

F. Thomas Edwards, Esq.

Nevada Bar No. 9549

Stacy H. Rubin, Esq.

Nevada Bar No. 9298

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Las Vegas, Nevada 89101

*Attorneys for Robert Schuerger*

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Holley Driggs and that, on the 31st day of October, I caused to be served a true and correct copy of **DEFENDANT’S ANSWER TO COMPLAINT FOR AVOIDANCE OF FRAUDULENT TRANSFER; RECOVERY OF FRAUDULENT TRANSFER; AND DECLARATORY RELIEF** in the following manner:

☒ (ELECTRONIC SERVICE) Under Local Rule 5005 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by that Court’s facilities.

☐ (UNITED STATES MAIL) By depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, to the parties listed on the attached service list, at their last known mailing addresses, on the date above written.

☐ (OVERNIGHT COURIER) By depositing a true and correct copy of the above-referenced document for overnight delivery via Federal Express, at a collection facility maintained for such purpose, addressed to the parties on the attached service list, at their last known delivery address, on the date above written.

☐ (FACSIMILE) By serving a true and correct copy of the above-referenced document via facsimile, to the facsimile numbers indicated, to those listed on the attached service list, and on the date above written.

/s/ Kandy Halsey  
An employee of Holley Driggs